

**MINUTES OF THE PUBLIC MEETING OF THE  
RHODE ISLAND ETHICS COMMISSION  
REGULATION WORKSHOP**

**May 1, 2007**

**The Rhode Island Ethics Commission held a Regulation Workshop following a regularly scheduled full Ethics Commission meeting on May 1, 2007 at the Rhode Island Ethics Commission hearing room located on the eighth floor of 40 Fountain Street, Providence, RI., pursuant to notices published at the Commission Headquarters and at the State House Library.**

**The following members were present:**

**James Lynch, Sr., Chair James V. Murray  
Barbara Binder, Vice Chair Frederick K. Butler  
George E. Weavill, Jr., Secretary Ross Cheit**

**Also present were Kathleen Managhan, Commission Legal Counsel, Commission Staff Attorneys Jason Gramitt, Katherine D'Arezzo and Dianne Leyden, and Commission Investigators Steven Cross, Peter Mancini and Michael Douglas.**

**Chair Lynch called the workshop to order.**

**Upon proper motion and second, the Commission voted unanimously to approve the Minutes of the Regulation Workshop held on April 17, 2007.**

**Staff Attorney Gramitt had prepared several drafts of proposed amendments for the Commission's consideration. Copies were made available to the public.**

**The Commission first considered a draft amendment to Regulation 1011 relating to Informal Dispositions. The amendment would eliminate the requirement that a complainant receive an advance copy of a proposed settlement, but would allow the complainant to briefly address the Commission prior to its vote to approve or reject. The amendment would also provide a mechanism for the Commission to retire for private deliberations in executive session.**

**The Commission members discussed the proposed amendment. It was suggested that a mechanism be included to allow the Commission to call the parties into its deliberations to answer questions. Staff attorney Gramitt was directed to provide that mechanism in an optional draft section, and to also draft three options as to subsection (e). These options would: (1) leave the subsection as currently drafted; (2) add procedure for complainant to view the IR&S at the hearing; and (3) delete the subsection entirely.**

**No members of the public wished to speak regarding Regulation**

**1011.**

**The Commission next considered a draft amendment to Regulation 1005. Mr. Gramitt explained that this amendment would simply codify that, going forward, a copy of any response filed by a complainant will be provided to the complainant. The Commission, by consensus, declared that this amendment seemed ready to go through the rulemaking process as is.**

**There was no public comment on Regulation 1005.**

**The Commission next considered a draft amendment to Regulation 1006. The amendment would simply provide a mechanism to allow the Commission to retire for private deliberations in executive session. There was a consensus to go forward with this amendment, perhaps with further amendment to clarify that the Commission could pull the parties back in for questions.**

**The Commission next considered adopting a regulation to require that all dismissals at any stage be explained in a written decision and order. This document would be drafted by the Commission's independent legal counsel. There was some discussion as to whether a written decision would be necessary if the Commission included the reasons for dismissal in the motion to dismiss itself. There was further discussion as to whether the written decision, once drafted, would be approved by the entire Commission or by the Chair.**

Ultimately, there appeared to be a consensus that the written decision, if required, could be reviewed and approved by the Commission Chair.

The Commission next considered the "class exception" and employment conflicts of interest. Chairman Lynched stated that he wished to consider the proposal submitted by Common Cause in its letter of April 17, 2007. There was some discussion, initiated by Commissioner Cheit, as to whether it can be said that any law impacts all people in the exact same way. Common Cause was invited to consider this problem and to offer its thoughts at a future workshop.

The Commission next considered whether it should enact a regulation to clarify that public officials are required to disclose their board membership on not-for-profit organizations. By consensus, the Commission agreed that it should go forward to enact such a clarification.

The Commission next considered whether it should enact a regulation setting forth a procedure for the stenographic recording of Commission hearings. Staff attorney Gramitt has not yet completed draft language for the Commission's consideration.

The public was invited to speak on the issues under consideration.

**Judith Reilly stated that she would submit written comments on the issue of whether a public official should be required to disclose his membership on the board of directors of a not-for-profit organization. On the issue of the class exception she stated that a class size of 500 should create a rebuttable presumption.**

**The Commission instructed the staff to advertise the next workshop as only addressing the issues of confidentiality, class exception and not-for-profit disclosures. Additionally, there will be no special public comment at the next workshop, although special comment may be taken at future workshops and will be considered as part of the normal rulemaking process.**

**On motion made by Commissioner Cheit, seconded by Vice Chair Binder, it was unanimously:**

**VOTED: To adjourn the workshop.**

**Whereupon the workshop adjourned at 12:00 p.m.**

**Respectfully submitted,**

**Jason Gramitt**  
**Staff Attorney**